

Message Text

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46

ACTION AF-06

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DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

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R 271400Z JAN 76

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC 7418

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY DAR ES SALAAM

AMEMBASSY LONDON

AMEMBASSY MOGADISCIO

LIMITED OFFICIAL USE NAIROBI 0830

LONDON FOR SEITZ

E.O. 11652: N/A

TAGS: PINT, KE

SUBJECT: DISSIDENT MP ARRESTED ON CHARGE OF INCITING VIOLENCE

1. MISS CHELAGAT MUTAI, 27 YEAR OLD MP WHO ATTAINED MEASURE OF NATIONAL PROMINENCE LATE LAST YEAR FOR HER SPIRITED AND RISK-LADEN DEFENSE IN PARLIAMENT OF DE-TAINED MP'S JOHN SERONEY AND MARTIN SHIKUKU (75 NAIROBI 9069, 75 NAIROBI 10745), WAS ARRESTED JANUARY 23 AND CHARGED WITH INCITEMENT TO VIOLENCE AND DISOBEDIENCE. ON JANUARY 26, BAIL WAS DENIED AND MUTAI WAS JAILED PENDING FEBRUARY 10 HEARING. IF FOUND GUILTY, MUTAI FACES MAXIMUM THREE-YEAR PRISON SENTENCE WITHOUT AL-TERNATIVE OF A FINE. IMPOSITION OF JAIL TERM EXCEEDING SIX MONTHS WOULD COST MUTAI HER PARLIAMENT SEAT. CASE WILL BE HEARD BY SAME JUDGE WHO IMPOSED STIFF TWO-YEAR SENTENCE SIX MONTHS AGO ON MARK MWITHAGA, FORMER LEADING DISSIDENT MP (75 NAIROBI A-100).

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2. CASE AGAINST XITAI ARISES FROM SEPTEMBER 1975 MEET-

ING WHICH SHE ALLEGEDLY URGED SETTLERS TO UPROOT CROPS AND DESTROY FACTORY ON LARGE SISAL ESTATE IN WESTERN KENYA. ACCORDING RELIABLE SOURCE, FARM'S 6,000 SETTLERS WERE BEING FACED WITH EVCTION WHEN 24,000 ACRE FARM WENT FOR SALE TO ANONYMOUS, BUT PRESUMABLY, PROMINENT BUYER. MUTAI, IN OCTOBER 22 PARLIAMENTARY QUESTION, SAID SETTLERS HAD ALREADY PAID 3.6 MILLION SHILLINGS (\$450,000) TOWARD PURCHASE OF ESTATE. RESPONDING FOR GOK, ASSISTANT MINISTER CLAIMED TO BE IGNORANT OF SUBJECT.

3. COMMENT: MUTAI, A PROTEGE OF FORMER DEPUTY SPEAKER SERONEY, IS RECENT GRADUATE OF NAIROBI UNIVERSITY FROM WHICH SHE WAS EXPELLED BRIEFLY IN 1973 FOR ORGANIZING STUDENT PROTESTS. SHE REMAINS BROADLY POPULAR AMONG UNIVERSITY STUDENTS (MANY OF WHOM CONSIDER HER THEIR MP) AND HER TROUBLES COULD GENERATE FRESH ANTI-GOK SENTIMENT AT UNIVERSITY WHICH HAS BEEN QUIET SINCE MAY 1975 DISTURBANCES LEFT SCORES INJURED AND MORE THAN ONE HUNDRED ARRESTED. MOST OBSERVERS SEE POLITICAL HAND OF GOK IN THIS CRIMINAL CASE AND ARE SPECULATING THAT APPARENT EFFORT TO SILENCE MUTAI THROUGH COURTS RATHER THAN BY DETENTION WILL BE SOMEWHAT LESS UNPALATABLE LOCALLY AND IN INTERNATIONAL PRESS. WHATEVER THE VERDICT, MUTAI CASE IS LIKELY TO CURTAIL FURTHER PARLIAMENTARY FREE EXPRESSION WHEN NATIONAL ASSEMBLY CONVENES FOLLOWING CURRENT LENGTHY RECESS.

DECON 1-1-77.
MARSHALL

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